

OMB NO. 1820-0030
Expires: 04/30/06

**ANNUAL STATE APPLICATION UNDER PART B OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS AMENDED IN 2004
FOR FEDERAL FISCAL YEAR 2006**

CFDA No. 84.027A and 84.173A

ED FORM No. 9055

**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION PROGRAMS
Washington, DC 20202-2600**

Section I

A. Submission Statement for Part B of IDEA

Please select 1 or 2 below. Check 3 if appropriate.

1. _____ The State provides assurances that it has in effect policies and procedures to meet all eligibility requirements of Part B of the Act as found in PL 108-446, the Individuals with Disabilities Education Improvement Act of 2004 and applicable regulations (IDEA). The State is able to meet all assurances found in Section II.A of this Application.
2. ✓ The State cannot provide assurances for all eligibility requirements of Part B of the Act as found in PL 108-446. The State has determined that it is unable to make the assurances that are checked as 'No' in Section II.A. However, the State assures that throughout the period of this grant award the State will operate consistent with all requirements of IDEA in PL 108-446 and applicable regulations. The State will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2007. The State has included the date by which it expects to complete necessary changes associated with assurances marked 'No'. (Refer to Assurances found in Section II.A.)¹

Optional:

3. _____ The State is submitting modifications to State policies and procedures previously submitted to the Department. These modifications are: (1) deemed necessary by the State, for example when the State revises applicable State law or regulations; (2) required by the Secretary because there is a new interpretation of the Act or regulations by a Federal court or the State's highest court; and/or (3) because of an official finding of noncompliance with Federal law or regulations.

B. Conditional Approval for Current Grant Year

If the State received conditional approval for the current grant year, check the appropriate statement below:

1. _____ The State previously has submitted documentation of completion of all issues identified in the FFY 2005 conditional approval letter.
2. _____ The State is attaching documentation of completion of all issues identified in the FFY 2005 conditional approval letter. *(Attach documentation showing completion of all issues.)*
3. _____ The State has not completed all issues identified in the FFY 2005 conditional approval letter. *(Attach documentation showing completion of any issues and a list of items not yet completed.)*

¹ A State will be granted conditional approval until it can provide all assurances.

Section II

A. Assurances

The State makes the following assurances and provisions as required by Part B of the Individuals with Disabilities Education Act. (20 U.S.C. 1411-1419)

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1411-1419)
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
√		1. As applicable, the assurance in OMB Standard Form 424B (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all Federal laws, executive orders and regulations.
√		2. A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled, in accordance with 20 U.S.C. 1412(a)(1).
√		3. The State has established a goal of providing a full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal. (20 U.S.C. 1412(a)(2))
	√ 3/1/08	4. All children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services in accordance with 20 U.S.C. 1412(a)(3).
	√ 3/1/08	5. An individualized education program, or an individualized family service plan that meets the requirements of 20 U.S.C. 1436(d), is developed, reviewed, and revised for each child with a disability in accordance with 20 U.S.C. 1414(d). (20 U.S.C. 1412(a)(4))
√		6. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes,

State

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1411-1419)
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
		separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily in accordance with 20 U.S.C. 1412(a)(5)(A)-(B).
	√ 3/1/08	7. Children with disabilities and their parents are afforded the procedural safeguards required by 20 U.S.C. 1415 and in accordance with 20 U.S.C. 1412(a)(6).
	√ 3/1/08	8. Children with disabilities are evaluated in accordance with subsections (a) through (c) of 20 U.S.C. 1414. (20 U.S.C. 1412(a)(7))
√		9. Agencies in the State comply with 20 U.S.C. 1417(c) (relating to the confidentiality of records and information). (20 U.S.C. 1412(a)(8))
√		10. Children participating in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with 20 U.S.C. 1437(a)(9). By the third birthday of such a child, an individualized education program or, if consistent with 20 U.S.C. 1414(d)(2)(B) and 20 U.S.C. 1436(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under 20 U.S.C. 1435(a)(10). (20 U.S.C. 1412(a)(9))
	√ 3/1/08	11. To the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary schools and secondary schools in the school district served by a local educational agency, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the requirements found in 20 U.S.C. 1412(a)(10)(A)-(C) unless the Secretary has arranged for services to those children under subsection (f) [By pass].
√		12. The State educational agency is responsible for ensuring that the requirements of Part B are met according to 20 U.S.C. 1412(a)(11)(A)-(C).

State

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1411-1419)
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
√		13. The Chief Executive Officer of a State or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in subparagraph (B) of 20 U.S.C. 1412(a)(12) and the State educational agency, in order to ensure that all services described in subparagraph (B)(i) that are needed to ensure a free appropriate public education are provided, including the provision of such services during the pendency of any dispute under clause (iii). Such agreement or mechanism shall meet the requirements found in 20 U.S.C. 1412(a)(12)(A)-(C).
√		14. The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing. (20 U.S.C. 1412(a)(13))
	√ 3/1/08	15. The State educational agency has established and maintains qualifications to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities as noted in 20 U.S.C. 1412(a)(14)(A)-(E).
√		16. The State has established goals for the performance of children with disabilities in the State that meet the requirements found in 20 U.S.C. 1412(a)(15)(A)-(C).
	√ 2/1/07	17. All children with disabilities are included in all general State and districtwide assessment programs, including assessments described under section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs as noted in 20 U.S.C. 1412(a)(16)(A)-(E).
√		18. Funds paid to a State under this part will be expended in accordance with all the provisions of Part B including 20 U.S.C. 1412(a)(17)(A)-(C).
√		19. The State will not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year in accordance with 20 U.S.C. 1412(a)(18)(A)-(D).

State

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1411-1419)
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
√		20. Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities. (20 U.S.C. 1412(a)(19))
√		21. In complying with 20 U.S.C. 1412(a)(17) and (18), a State may not use funds paid to it under this part to satisfy State-law mandated funding obligations to local educational agencies, including funding based on student attendance or enrollment, or inflation. (20 U.S.C. 1412(a)(20))
√		22. The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State as found in 20 U.S.C. 1412(a)(21)(A)-(D).
√		23. The State educational agency examines data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities in accordance with 20 U.S.C. 1412(a)(22)(A)-(B).
	√ 3/1/08	24a. The State adopts the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after the publication of the National Instructional Materials Accessibility Standard in the Federal Register in accordance with 20 U.S.C. 1412(a)(23)(A) and (D).

State

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1411-1419)
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
		24b. (Note: Check either "24b.1" or "24b.2" whichever applies.
	√ 3/1/08	<p>24b.1 The State educational agency coordinates with the National Instructional Materials Access Center and not later than two years after the date of enactment of the IDEIA of 2004, the SEA as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials enters into a written contract with the publisher of the print instructional materials to:</p> <ul style="list-style-type: none"> • require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Materials Access Center, electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard; or • purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats. (20 U.S.C. 1412(a)(23)(C))
		24b.2 The State Educational Agency has chosen not to coordinate with the National Instructional Materials Access Center but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. (20 U.S.C. 1412(a)(23)(B))
	√ 2/1/07	25. The State has in effect, consistent with the purposes of the IDEA and with 20 U.S.C. 1418(d), policies and procedures designed to prevent the inappropriate over identification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 20 U.S.C. 1401. (20 U.S.C 1412(a)(24))
	√ 3/1/08	26. The State educational agency shall prohibit State and local educational agency personnel from requiring a child to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation under subsection (a) or (c) of 20 U.S.C. 1414, or receiving services under the IDEA as described in 20 U.S.C. 1412(a)(25)(A)-(B).
√		27. The State shall distribute any funds the State does not reserve under 20 U.S.C. 1411(e) to local educational agencies (including public charter schools that operate as local educational agencies) in the State that have established their eligibility under 20 U.S.C. 1413 for use in accordance with this part as provided for in 20 U.S.C. 1411(f)(1)-(3).

State

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1411-1419)
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
√		28. The State shall provide data to the Secretary on any information that may be required by the Secretary. (20 U.S.C. 1418(a)(3))
√		29. The State, local educational agencies, and educational service agencies shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds. (34 CFR §76.702)
√		30. The State will continue to comply with the regulations that are still applicable and currently in place.

B. Certifications

The State Educational Agency is providing the following certifications:

Yes	
√	<p>1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i>, is on file with the Secretary of Education.</p> <p>With respect to the <i>Certification Regarding Lobbying</i>, the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.</p>
√	<p>2. The State certifies that certifications in the Education Department General Administrative Regulations (EDGAR) at 34 CFR §80.11 relating to State eligibility, authority and approval to submit and carry out the provisions of its State application, and consistency of that application with State law are in place within the State.</p>
√	<p>3. The State certifies that the arrangements to establish responsibility for services pursuant to 20 U.S.C. 1412(a)(12)(A) are current. This certification must be received prior to the expenditure of any funds reserved by the State under 20 U.S.C. 1411(e)(1).</p>

State

C. Statement

I certify that the State of Virginia can make the assurances checked as 'yes' in Section II.A and the certifications required in Section II.B and Section II.C of this application, . These provisions meet the requirements of the Part B of the Individuals with Disabilities Education Act as found in PL 108-446. The State will operate its Part B program in accordance with all of the required assurances and certifications.

If any assurances have been checked 'no', I certify that the State will operate throughout the period of this grant award consistent with the requirements of the IDEA as found in PL 108-446 and any applicable regulations, and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2007. (34 CFR §76.104)

I, the undersigned authorized official of the

Virginia Department of Education,

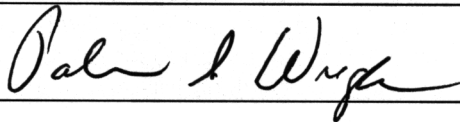
(Name of State and official name of State agency)

am designated by the Governor of this State to submit this application for FFY _____ funds under Part B of the Individuals with Disabilities Education Act (IDEA).

Printed/Typed Name and Title of Authorized Representative of the State:

Patricia I. Wright

Signature:



Date: February 21, 2006

Section III

Description of Use of Funds Under Part B of the Individuals with Disabilities Education Act - 20 U.S.C. 1411(e)(5)

Describe how the amount retained by the State educational agency under 20 U.S.C. 1411(e)(1) will be used to meet the following activities under Part B. (20 U.S.C. 1411(e)(1)-(3), (6) and (7)) The Department annually identifies for States the maximum amounts that a State may retain under Section 1411(e)(1) and (2).² The dollar amounts listed by the State in this chart for administration and for other State activities should add up to less or equal to the dollar amount provided to the State by the Department for each of these activities.

FOR ADMINISTRATIVE ACTIVITIES UNDER PART B		ENTER DOLLAR AMOUNTS
For the purpose of administering this part, including 20 U.S.C. 1411(e)(3), 20 U.S.C. 1419, and the coordination of activities under this part with, and providing technical assistance to, other programs that provide services to children with disabilities. (20 U.S.C. 1411(e)(1)(A))	a.	\$4,794,595
The administration of Part C of IDEA, if the SEA is the Lead Agency for the State under Part C. (20 U.S.C. 1411 (e)(1)(D))	b.	\$0
A State may use funds the State reserves for administration that are the result of inflationary increases described in 20 U.S.C. 1411(e)(1)(B) for the following activities: (20 U.S.C. 1411(e)(6))		
For support and direct services, including technical assistance, personnel preparation, and professional development and training.	c.	\$0
To assist local educational agencies in providing positive behavioral interventions and supports and appropriate mental health services for children with disabilities.	d.	\$0
To assist local educational agencies in meeting personnel shortages.	e.	\$0
To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.	f.	\$0
Flexibility in Using Funds for Part C (20 U.S.C. 1411(e)(7))		
Any State eligible to receive a grant under 20 U.S.C. 1419 may use funds made available under 20 U.S.C. 1411(e)(1)(A), 20 U.S.C. 1411(f)(3), or 20 U.S.C. 1419(f)(5) to develop and implement a State policy jointly with the lead agency under Part C and the State educational agency to provide early intervention services (which shall include an educational component that promotes school readiness and incorporates preliteracy,	g.	\$0

² Each State may reserve for each fiscal year not more than the maximum amount the State was eligible to reserve for State administration under this section for fiscal year 2004 or \$800,000 (adjusted in accordance with 20 U.S.C. 1411(e)(1)(B)), whichever is greater; and each outlying area may reserve for each fiscal year not more than 5 percent of the amount the outlying area receives under 20 U.S.C. 1411(b)(1) for the fiscal year or \$35,000, whichever is greater.

For each fiscal year beginning with fiscal year 2005, the Secretary shall cumulatively adjust: 1) the maximum amount the State was eligible to reserve for State administration under this part for fiscal year 2004; and 2) \$800,000, by the rate of inflation as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

State

FOR ADMINISTRATIVE ACTIVITIES UNDER PART B		ENTER DOLLAR AMOUNTS
language, and numeracy skills) in accordance with Part C to children with disabilities who are eligible for services under 20 U.S.C. 1419 and who previously received services under Part C until such children enter, or are eligible under State law to enter, kindergarten, or elementary school as appropriate.		
Establishment of High Cost Fund (20 U.S.C. 1411(e)(3)(B)(i))		

FOR OTHER STATE-LEVEL ACTIVITIES		ENTER DOLLAR AMOUNTS
Required Activities Funds reserved under 20 U.S.C. 1411(e)(2)(A) shall be used to carry out the following activities:		
For monitoring, enforcement, and complaint investigation.	h.	\$1,500,000
To establish and implement the mediation process required by 20 U.S.C. 1415(e), including providing for the cost of mediators and support personnel.	i.	\$300,000
Authorized Activities Funds reserved under 20 U.S.C. 1411(e)(2)(A) may be used to carry out the following activities:		
For support and direct services, including technical assistance, personnel preparation, and professional development and training.	j.	\$7,243,082
To assist local educational agencies in providing positive behavioral interventions and supports and appropriate mental health services for children with disabilities.	k.	\$300,000
To assist local educational agencies in meeting personnel shortages.	l.	\$3,222,536
To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.	m.	\$7,000,000
To support paperwork reduction activities, including expanding the use of technology in the IEP process.	n.	\$0
To improve the use of technology in the classroom by children with disabilities to enhance learning.	o.	\$500,000
To support the use of technology, including technology with universal design principles and assistive technology devices, to maximize accessibility to the general education curriculum for children with disabilities.	p.	\$500,000
Development and implementation of transition programs, including coordination of services with agencies involved in supporting the transition of children with disabilities to postsecondary activities.	q.	\$622,189
Alternative programming for children with disabilities who have been expelled from school, and services for children with disabilities in correctional facilities, children enrolled in State-operated or State-supported schools, and children with	r.	\$300,195

State

FOR OTHER STATE-LEVEL ACTIVITIES		ENTER DOLLAR AMOUNTS
disabilities in charter schools.		
To support the development and provision of appropriate accommodations for children with disabilities, or the development and provision of alternate assessments that are valid and reliable for assessing the performance of children with disabilities, in accordance with Sections 1111(b) and 6111 of the Elementary and Secondary Education Act of 1965.	s.	\$1,529,721
To provide technical assistance to schools and local educational agencies, and direct services, including supplemental educational services as defined in Section 1116(e) of the Elementary and Secondary Education Act of 1965 to children with disabilities, in schools or local educational agencies identified for improvement under Section 1116 of the Elementary and Secondary Education Act of 1965 on the sole basis of the assessment results of the disaggregated subgroup of children with disabilities, including providing professional development to special and regular education teachers, who teach children with disabilities, based on scientifically based research to improve educational instruction, in order to improve academic achievement to meet or exceed the objectives established by the State under Section 1111(b)(2)(G) the Elementary and Secondary Education Act of 1965.	t.	\$350,000
Local Educational Agency Risk Pool (20 U.S.C. 1411(e)(3)(A)): For the purpose of assisting local educational agencies (including a charter school that is a local educational agency or a consortium of local educational agencies) in addressing the needs of high need children with disabilities, each State shall have the option to reserve for each fiscal year 10 percent of the amount of funds the State reserves for State-level activities under 20 U.S.C. 1411(e)(2)(A)		
To establish and make disbursements from the high cost fund to local educational agencies in accordance with 20 U.S.C. 1411(e)(3) during the first and succeeding fiscal years of the high cost fund; and	u.	\$0
To support innovative and effective ways of cost sharing by the State, by a local educational agency, or among a consortium of local educational agencies, as determined by the State in coordination with representatives from local educational agencies, subject to 20 U.S.C. 1411(e)(3)(B)(ii) [Amount may not be more than 5% of the amount reserved for the LEA Risk Pool.].	v.	\$0
Establishment of High Cost Fund (20 U.S.C. 1411(e)(3)(B)(i))		
A State shall not use any of the funds the State reserves pursuant to 20 U.S.C. 1411(e)(3)(A)(i), <u>but may use the funds the State reserves under 20 U.S.C. 1411(e)(1), to establish and support the high cost fund.</u>		
Describe the process used to get input from LEAs regarding the distribution of amounts among activities described in the above charts to meet State priorities. (20 U.S.C. 1411(e)(5)(B))		

Section IV

State Administration

Section 608(a) of the IDEA requires each State that receives funds under this title to:

- (1) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;
- (2) identify in writing to local educational agencies located in the State and the Secretary any such rule, regulation, or policy as a State-imposed requirement that is not required by this title and Federal regulations; and
- (3) minimize the number of rules, regulations, and policies to which the local educational agencies and schools located in the State are subject under this title.

States must attach to this application a list identifying any rule, regulation, or policy that is State-imposed (not required by IDEA or Federal regulations). In addition, the State is required to inform local education agencies in writing of such State-imposed rules, regulation or policy. (20 U.S.C. 1407(a))

NOTE: A chart identifying State-imposed requirements is attached.



COMMONWEALTH OF VIRGINIA
Department of Education
Division of Special Education and Student Services

February 2006

**COMPARISON OF THE VIRGINIA REGULATIONS
AND THE IDEA 2004 -----
LISTING OF VIRGINIA-SPECIFIC REQUIREMENTS**

This document compares the provisions of the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, March 2002 (Virginia Regulations) and the *Individuals with Disabilities Education Improvement Act 2004* (IDEA '04) in those areas where the Virginia Regulations exceed the federal mandates.

The purpose of this document is:

- to respond to the U.S. Department of Education's request for each State to attach to its application for Part B funds a list identifying any rule, regulation, or policy that is State-imposed (not required by IDEA '04 or federal regulation).¹
- to provide this information to the Virginia Department of Education (VDOE) staff, the Board of Education, and consumers, as part of VDOE's process to revise the Virginia Regulations.

Copies of this document are available by contacting the Office of Dispute Resolution and Administrative Services, at 804-225-2013, or at this division's website at:

<http://www.pen.k12.va.us/VDOE/SESS/>

cc: Virginia Special Education Directors
State Special Education Advisory Committee

¹ This requirement is pursuant to the IDEA '04, 20 U.S.C. §1407. In addition, the State is required to inform local educational agencies in writing of such State-imposed rules, regulations, or policy.

VIRGINIA-SPECIFIC REQUIREMENTS

PREFACE

☐ Historical Note

The Virginia General Assembly first enacted legislation to provide financial support for the provision of services to students with disabilities in 1956. The first document providing guidance regarding the provision of services to exceptional children was published in 1962. This guide set maximum requirements for class size and teacher qualifications. It was revised in 1970 to reflect further General Assembly action regarding funding of special education. The 1970 document established class sizes for funding purposes.

In 1972, the General Assembly passed legislation to require localities to provide special education for children with disabilities aged 2 through 21. The Board of Education published Administrative Procedures and Guidelines in 1972 to implement the General Assembly's action. Regulations were first promulgated in 1980, reflecting the provisions of the *Education of All Handicapped Children's Act* by Congress in 1975 (P.L. 94-142). The Virginia Regulations have been revised four times: 1984, 1990, 1994, 2001-02, in response to Congressional amendments to the federal statute (reauthorized in December 2004 as the *Individuals with Disabilities Education Improvement Act*; P. L. 108-446).

☐ Virginia Regulations differ from the IDEA '04 statutory mandates for the following three reasons:

1. The statute and the current federal special education regulations direct states to assure that a free appropriate public education is provided to all students. In addition, the regulations specify that States shall establish certain procedures as part of the State's general supervision responsibility. Examples include:
 - Child find
 - Timelines
 - Caseload sizes
 - Teacher assignment requirements
 - Complaint procedures
 - Surrogate parent procedures
 - Due process hearing procedures

2. The Virginia Regulations reflect terminology and requirements specific to Virginia law and regulations. Examples include:
 - Services beginning at age 2
 - Hearing testing as a required component of the evaluation process
 - Supervision of state-operated programs
 - Terminology for home-bound, home instruction, home tutoring
 - The Code of Virginia and Virginia Supreme Court requirements regarding hearing officers
3. Prior Virginia Regulations established requirements that have been maintained historically and supported by a number of public comments from both parents and special education administrators during prior revisions of the regulations. Examples include:
 - Child study committee
 - Local advisory committees
 - Parental consent

The attached matrix details those Virginia Regulations that are not required by the IDEA '04 or the IDEA 1999 federal regulations. The "Discussion" section of the matrix provides an explanation for the inclusion of the requirement in the Virginia Regulations.

Questions regarding this document should be directed to:

- H. Douglas Cox, Assistant Superintendent,
Division of Special Education and Student Services
Phone: 804-225-3252;
e-mail: Doug.Cox@doe.virginia.gov
- Judy Douglas, Director
Office of Dispute Resolution/Administrative Services,
Phone: 804-225-2771;
email: Judy.Douglas@doe.virginia.gov
- Melissa Smith, Coordinator of Administrative Services
Office of Dispute Resolution/Administrative Services
Phone: 804-371-0524;
email: Melissa.Smith@doe.virginia.gov

COMPARISON OF VIRGINIA REGULATIONS AND IDEA 2004 LISTING OF VIRGINIA-SPECIFIC REGULATIONS

Table:

VAC: Virginia Administrative Code

COV: Code of Virginia

SOQ: Virginia's Standards of Quality

SOA: Virginia's Standards of Accreditation

CSA: Virginia's Comprehensive Services Act

VDHH: Virginia Department of the Deaf and Hard-of-Hearing Regulations

FERPA: Family Education Rights and Privacy Act

8 VAC 20-80-10 Definitions

Provision	Source of Requirement	Discussion
Age of eligibility	COV Prior Virginia Regulations	Long-standing Virginia requirement. Incorporated the COV, §22.1-213. Specifies services to begin at age 2; initial language in COV in 1972 and subsequent Virginia Regulations.
Age of majority	COV New in 2001-02 Virginia Regulations	Created definition to specify the age of majority. Incorporated the COV, §1-13.42. Specifies age 18 as the age of majority. The IDEA '99 federal regulations reference age of majority.
Alternate assessment	New in 2001-02 Virginia Regulations	Created definition to assist in the implementation of the federal requirements.
Audiology services	COV New in 2001-02 Virginia Regulations	Created definition to incorporate the COV, §54.1-2600. Included provision that the services are to be provided by an audiologist licensed by the Board of Audiology and Speech-Language Pathology.
Behavioral intervention plan	New in 2001-02 Virginia Regulations	Created definition to assist in the implementation of the IDEA federal 1999 regulations.

Caseload	SOQ New in 2001-02 Virginia Regulations	Created definition based on SOQ formula.
Change in placement	Prior Virginia Regulations	Carried over definition in former state regulations to assist in the implementation of the IDEA 1999 federal regulations.
Charter schools	COV New 2001-02 Virginia Regulations	Created definition. Tailored IDEA federal 1999 regulations term to the COV to provide clearer meaning in accordance with Virginia's implementation of the COV requirements. §§22.1-212.5; 22.1-212.15
Child with disabilities	SOQ Prior Virginia Regulations	Revised definition. Included developmental delay and severe disability as disabilities. Incorporated all categories included in SOQ funding formula. IDEA federal 1999 regulations permitted States to establish definition for DD.
Child study committee	Prior Virginia Regulations	Long-standing Virginia requirement. First established in 1980.
Complaint	New in 2001-02 Virginia Regulations	Created definition to clarify the difference between complaint under the complaints resolution procedures and "complaint" in due process hearings.
Comprehensive Services Act	COV New in 2001-02 Virginia Regulations	Created definition to incorporate COV requirements regarding CSA, the source of funding for private special education placements. §2.2-5200 et seq.
Correctional facility	COV New in 2001-02 Virginia Regulations	Tailored IDEA federal 1999 language to COV language. §16.1-228; §53.1-1
Counseling services	VA Teacher Licensure Regulations Prior Virginia Regulations	Clarified that visiting teacher may provide service. Reflected Virginia's recognition of visiting teachers.
Developmental Delay	Prior Virginia Regulations	Established definition and age range. IDEA federal 1999 regulations directed SEA to establish definition. Virginia first used DD in 1990.

Due process hearing	New in 2001-02 Virginia Regulations	Created definition to clarify difference between due process and complaints systems as dispute resolution options.
Functional behavioral assessment	New in 2001-02 Virginia Regulations	Created definition to assist in implementation of the IDEA federal 1999 regulations.
General curriculum	New in 2001-02 Virginia Regulations	Created definition to clarify meaning of term in Virginia.
Home-based instruction	SOQ New in 2001-02 Virginia Regulations	Created definition to reflect SOQ funding and tailor IDEA federal 1999 regulations terminology to Virginia.
Homebound instruction	SOA Prior Virginia Regulations	Incorporated SOA language.
Home instruction	COV New in 2001-02 Virginia Regulations	Created definition to incorporate and clarify federal 1999 regulations terminology and COV terminology. §22.1-254.1
Home tutoring	COV New in 2001-02 Virginia Regulations	Created definition to incorporate and clarify IDEA federal 1999 regulations terminology and COV terminology. §22.1-254
Individualized family service plan	Part C/IDEA New in 2001-02 Virginia Regulations	Created definition to incorporate and clarify language from Part C.
Infant and toddler with a disability	Part C/IDEA COV New in 2001-02 Virginia Regulations	Created definition to incorporate language from Part C and COV to clarify the term. §2.1-760

Initial placement	Prior Virginia Regulations	Carried over definition from previous regulations to clarify the term as used in the IDEA federal 1999 regulations.
Interpreting	VDHH Regulations New in 2001-02 Virginia Regulations	Created definition to provide consistent terminology across state agencies.
Interpreting personnel	VDHH Regulations New in 2001-02 Virginia Regulations	Created definition from VDHH Regulations and IDEA 1999 federal regulatory requirement of qualified provider. Professional standards were first established in 1988; revised in 1994 and 2000.
Itinerant	SOQ New in 2001-02 Virginia Regulations	Created definition to reflect SOQ formula.
Level 1 and Level II services	SOQ New in 2001-02 Virginia Regulations	Created definition to reflect SOQ formula.
Manifestation determination review	New in 2001-02 Virginia Regulations	Created definition to assist in the implementation of the IDEA federal 1999 regulations.
Medical services	COV New in 2001-02 Virginia Regulations	Created definition to incorporate COV. §22.1-270. Added nurse practitioner to definition as a service provider.
Multiple disabilities	SOQ Prior Virginia Regulations	Incorporated language from the SOQ formula. Changed examples since some readers interpreted the examples as requiring mental retardation to be one of the disabilities, which is not an IDEA requirement.
Notice	New in 2001-02 Virginia Regulations	Created definition to assist in the implementation of the IDEA federal 1999 regulations.

Occupational therapy	COV Board of Health Professions Regulations New in 2001-02 Virginia Regulations	Included IDEA 1999 federal regulation language. Additionally, reflected licensure requirement for OT found in COV and the Board of Health Professions regulations. §§54.1-2956; 54.1-2400. Clarified that services may be provided under supervision of an OT.
Parent	COV Prior Virginia Regulations	Included foster parents under certain conditions. IDEA 1999 federal regulations permitted this flexibility in recognizing a foster parent. Language incorporated COV provision regarding foster parents. §22.1-1
Physical therapy	COV Board of Health Professions Regulations Prior Virginia Regulations	Included IDEA 1999 federal regulation language. Additionally, clarified that services may be provided under supervision of a PT. Reflected licensure requirements for PT found in COV and Board of Health Professions regulations. §§54.1-2400; 54.1-3475
Program	Prior Virginia Regulations	Revised definition from previous state regulations to clarify the term.
Psychological services	COV Board of Health Professions Regulations Prior Virginia Regulations	Included IDEA 1999 federal regulation language. Additionally, reflected licensure requirements for psychologist found in COV and Board of Health Professions regulations. §54.1-2400. Clarified that services may be provided under supervision of a psychologist.
Public notice	Prior Virginia Regulations	Revised definition from previous state regulations to clarify the term.
Qualified person with a disability	The Rehabilitation Act New in 2001-02 Virginia Regulations	Created definition from Section 504 of The Rehabilitation Act.
Qualified personnel	COV Virginia Teacher Licensure Regulations New in 2001-02 Virginia Regulations	Created definition. Modified IDEA federal 1999 regulations language to incorporate COV and Teacher Licensure regulations. §22.1-298

Reevaluation	New in 2001-02 Virginia Regulations	Created definition based on USDOE analysis/comment on IDEA federal 1999 regulations.
Screening	COV Prior Virginia Regulations	Long-standing Virginia requirement. Implemented COV. §§22.1-273; 22.1-270. Established requirement to screen hearing and vision, charging VDOE with establishing grade levels. Screening requirements for new students established by special education regulations in 1980.
Section 504	The Rehabilitation Act Prior Virginia Regulations	Definition based on The Rehabilitation Act of 1973, as amended.
Severe disability	Prior Virginia Regulations	Long-standing Virginia requirement. Created as a category in Virginia in 1990 (previously termed severe-profound handicap and severe-profound disability).
Social work services	VA Teacher Licensure Regulations Prior Virginia Regulations	Added to federal definition (IDEA 1999 federal regulations) to include visiting teachers, a category specific to Virginia and consistent with Virginia's Teacher Licensure Regulations.
State assessment program	New in 2001-02 Virginia Regulations	Created definition to identify what portion of the assessments in Virginia are the state assessment program under IDEA.
State educational agency	Prior Virginia Regulations	Specified that VDOE is the SEA.
State-operated program	COV Prior Virginia Regulations	Modified definition to incorporate COV language. §§22.1-7; 22.1-340; 22.1-345
Transition from Part C services	New in 2001-02 Virginia Regulations	Created definition to clarify difference between this term and secondary transition; definition based on IDEA federal 1999 Part C regulations.
Virginia schools for the deaf and the blind	COV New in 2001-02 Virginia Regulations	Created definition to implement COV. §22.1-346

8 VAC 20-80-30 Responsibilities of VDOE

Provision	Source of Requirement	Discussion
Requirements of SEAs	Prior Virginia Regulations	Modified IDEA federal 1999 regulation terminology to reflect Virginia terminology (e.g., VSDBs, state-operated programs)

8 VAC 20-80-40 Responsibilities of local school divisions and state-operated programs

The following provisions are required to implement the IDEA under General Supervision. However, additional clarification was included to assist with the implementation of the requirements.

Provision	Source of Requirement	Discussion
Education in jails	VA Appropriation Act New in 2001-02 Virginia Regulations	Identified responsibility for educating this population consistent with the Appropriation Act.
Children in foster care	COV CSA New in 2001-02 Virginia Regulations	Referenced COV and CSA funding requirements. §22.1-101.1
Children in nursing homes	VA Dept. for Medical Assistance Services New in 2001-02 Virginia Regulations	Referenced 1995 Office for Civil Rights interpretation and Department of Medical Assistance Services terminology for facilities.
Children in group homes	New in 2001-02 Virginia Regulations	Applied 1995 OCR interpretation to children in group homes.
Students 18 with and w/o legal guardian	New in 2001-02 Virginia Regulations	Clarified responsibility for adult children with disabilities, consistent with Virginia requirements on legal guardianship.

Responsible division in the event there is a dispute about residency	New in 2001-02 Virginia Regulations	Ensured children continue to receive services.
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8 VAC 20-80-45 Special education staffing requirements

Provisions required to implement IDEA under “qualified provider” requirements.

Provision	Source of Requirement	Discussion
Staffing for school aged and pre-school-aged children	SOQ VA Teacher Licensure Regulations Prior VA Special Education Program Standards	Long-standing Virginia requirement. Established standards for grouping students and assigning teachers. Teacher assignments standards first established in 1962 and incorporated into Teacher Licensure regulations and former Special Education Program Standards regulations.
Staffing for jails	New in 2001-02 Virginia Regulations	Clarified required teacher endorsements.
Educational interpreting services	VDHH Regulations New in 2001-02 Virginia Regulations	Established qualification standard, date certain for meeting standard, procedures for waivers.

8 VAC 20-80-50 Child find

Provisions required to implement IDEA under general supervision requirements.

Provision	Source of Requirement	Discussion
Public awareness	Prior Virginia Regulations	Long-standing Virginia requirement. Established standards relative to SEA’s obligation to establish child find process. Requirements established in 1980.

Screening – hearing and vision (including timelines)	COV Prior Virginia Regulations	Long-standing Virginia requirement. COV established requirement to screen hearing and vision prior to 1950, charging VDOE with establishing grade levels. §§22.1-270; 22.1-273. Screening requirements for new students established in special education regulations in 1980.
Screening – speech-language, gross and fine motor (including timelines)	Prior Virginia Regulations	Long-standing Virginia requirement. Procedures established in 1980.
Confidentiality and parent notification	COV IDEA and FERPA regulations New in 2001-02 Virginia Regulations	Included COV notification and federal IDEA 1999 and FERPA confidentiality requirements. §22.1-273

8 VAC 20-80-52 Referral for evaluation

Provisions required to implement IDEA under general supervision requirements.

Provision	Source of Requirement	Discussion
Referral requirements (timelines and process)	Prior Virginia Regulations	Long-standing Virginia requirement, since 1980.
Child study committee	Prior Virginia Regulations	Long-standing Virginia requirement, since 1980.

8 VAC 20-80-54 Evaluation

Provision	Source of Requirement	Discussion
Nonstandardized tests	New in 2001-02 Virginia Regulations	Established use of nonstandard tests (e.g., structured observations or sampling) with conditions; based on USDOE commentary on IDEA federal 1999 regulations.

Test the hearing of each child prior to placement	COV Prior Virginia Regulations	Implemented COV requirement that hearing be tested during evaluation for special education. §22.1-214
Evaluation reports shall be in writing	New in 2001-02 Virginia Regulations	Clarified language to assist in the implementation of IDEA federal 1999 regulations.
Evaluation reports available to parents 2 business days before the eligibility meeting	New in 2001-02 Virginia Regulations	Board of Education decision based on parent comments to revisions of state special education regulations in 2001-02.
Timelines	Prior Virginia Regulations	Long-standing Virginia requirement (since 1980) of 65-day timeline from receipt of referral to complete evaluations and determine eligibility. IDEA 2004 permits SEA to have an established timeline.

8 VAC 20-80-56 Eligibility

Provision	Source of Requirement	Discussion
Timelines	Prior Virginia Regulations	Long-standing Virginia requirement. Restated existing timelines.
Eligibility committee	Prior Virginia Regulations	Long-standing Virginia requirement. Virginia regulations established an eligibility team process in 1980. The function remains as an IDEA requirement.
Team work toward consensus in making decisions	New in 2001-02 Virginia Regulations	Implemented USDOE interpretation in 1999 federal regulations that voting is inappropriate and working toward consensus ensures parental rights of participation.
Forwarding information to the IEP team	Prior Virginia Regulations	Mirrored the SEA's responsibility under general supervision to establish process.

Reports by persons who do not agree with the team decision	Prior Virginia Regulations	Applied rights of students with specific learning disabilities to all students and parents.
Eligibility of 2-year olds	COV Prior Virginia Regulations	Long-standing Virginia requirement. Implemented the COV. §22.1-213
Eligibility of child with developmental delay	Prior Virginia Regulations	IDEA federal 1999 regulations directed SEA to establish definition and age range; applied teacher licensure requirements.
Forward relevant information for instruction to the child's teachers if the child is not found eligible.	Prior Virginia Regulations	Reflected established practice to use diagnostic information to improve instruction. Reflected FERPA requirement regarding consent when sharing with private schools.

8 VAC 20-80-58 Termination of special education and related services

Provision	Source of Requirement	Discussion
Requirement to get parental consent to terminate services	Prior Virginia Regulations	Longstanding Virginia requirement. Consent requirements established in 1980.
Terminating related service	New in 2001-02 Virginia Regulations	Specified a necessary process that is absent in IDEA 1999 federal regulations; minimizes extra meeting requirements.

8 VAC 20-80-60 Free appropriate public education

Provision	Source of Requirement	Discussion
Graduation	SOA SOQ New in 2001-02 Virginia Regulations	Implemented SOA and SOQ. Tailored IDEA federal 1999 regulations to Virginia, to mean graduation with a standard or advanced studies diploma.
Provides FAPE exception for certain incarcerated students	New in 2001-02 Virginia Regulations	Implemented Virginia's decision to exclude students 18-21 not previously identified.
Provides transportation for students with disabilities	COV Prior Virginia Regulations	Reflected both IDEA 1999 federal regulations and COV requirements. §22.1-347 C

8 VAC 20-80-62 Individualized education program

Provision	Source of Requirement	Discussion
Speech-language pathologist	New in 2001-02 Virginia Regulations	Specified that the special education teacher on IEP team for students whose only disability is speech-language impairment is the speech-language pathologist. Ensured that qualified providers would develop the child's IEP, in accordance with Appendix A of the IDEA federal 1999 regulations.
Parents may audio record IEP meetings	New in 2001-02 Virginia Regulations	Reflected Appendix A of the IDEA federal 1999 regulations.
LEAs permitted to establish policy to limit video recording of IEP meetings	New in 2001-02 Virginia Regulations	Reflected Appendix A of the IDEA federal 1999 regulations.

IEP teams work toward consensus	New in 2001-02 Virginia Regulations	Incorporated language from Appendix A of the IDEA federal 1999 regulations.
Modified standard diploma	SOA New in 2001-02 Virginia Regulations	Reflected the addition of the modified standard diploma option to the SOA requirements.
Definition of term “location”	New in 2001-02 Virginia Regulations	Distinguished between “location” and “placement”.
Preschool-aged children receive an IEP	New in 2001-02 Virginia Regulations	IDEA federal 1999 regulations directed SEAs to determine IEP/IFSP. VA language limited LEAs to provide IEPs for children served under IDEA-Part B, eliminating IFSP as an option for Part B children.
Provisions for Literacy Testing Program	New in 2001-02 Virginia Regulations	LTP was included because at the time when regulations were last revised, it continued to be a Virginia requirement for certain students.
Children with disabilities in jails	New in 2001-02 Virginia Regulations	Added language that tailored IDEA federal 1999 regulations flexibility to Virginia’s jails.

8 VAC 20-80-64 Least restrictive environment and placements

Provision	Source of Requirement	Discussion
Woodrow Wilson and other state facilities in list of alternative placements	COV Prior Virginia Regulations	Incorporated COV language. §22.1-218
Home-based and homebound services requirements	New in 2001-02 Virginia Regulations	Distinguished between home-based and homebound services.

8 VAC 20-80-65 Placements at the Virginia schools for the deaf and the blind

Provision	Source of Requirement	Discussion
VSDBs	COV New in 2001-02 Virginia Regulations	Clarified roles and responsibilities of school divisions and the Virginia Schools. Reflected how the Virginia Schools are recognized in the COV. §§22.1-348; 22.1-347 c. Added requirement that contract be established between VSDBs and LEAs placing children, to ensure that children's rights are maintained.

8 VAC 20-80-66 Private school placement

Provision	Source of Requirement	Discussion
Requirements of the CSA, the source of funding for LEA placements	COV CSA New in 2001-02 Virginia Regulations	Linked IDEA federal 1999 regulations with CSA requirements. Included language from the COV and CSA administrative requirements for funding. §2.2-5200 et seq.
Interstate Compact for the Placement of Children	COV New in 2001-02 Virginia Regulations	Incorporated COV requirements. §22.1-218.1
Children who are home-instructed or home-tutored	COV New in 2001-02 Virginia Regulations	Incorporated COV requirements to include home instructed and home tutored students with private school students placed by parents when FAPE is not at issue. §22.1-254.1

8 VAC 20-80-68 Discipline

Provision	Source of Requirement	Discussion
Due process rights for all students	COV New in 2001-02 Virginia Regulations	Ensured children with disabilities are assured all the due process protections of the COV. §22.1-214. Reflected the IDEA 1999 regulations and OSEP guidance and analysis/comment of the regulations.

Isolated short-term suspensions for unrelated instances of misconduct not equating to a pattern and therefore, not a change in placement	New in 2001-02 Virginia Regulations	Implemented OSEP guidance and analysis/comment of the IDEA federal 1999 regulations.
Definition of “weapon”	COV New in 2001-02 Virginia Regulations	Tailored IDEA federal 1999 regulations to COV. §§18.2-308.1; 22.1-277.01
Referral to and action by law enforcement and judicial authorities	New in 2001-02 Virginia Regulations	Added language to the IDEA federal 1999 regulatory requirement; that referral is made consistently for children with disabilities and children without disabilities.
Transmission of records	COV Virginia Management of Student Scholastic Record New in 2001-02 Virginia Regulations	Incorporated COV, FERPA, and IDEA federal 1999 regulations. §§22.1-16; 22.1-287.1; 22.1-288.2; 22.1-289

8 VAC 20-80-70 Procedural safeguards

Provision	Source of Requirement	Discussion
Parental consent required for change in identification, revisions to IEP, partial or complete termination of services	Prior Virginia Regulations	Long-standing Virginia requirement. Consent provisions established in 1980. Strong support throughout previous public comment periods historically for inclusion of these requirements.

Parental consent to release student information to public and private insurance companies.	New in 2001-02 Virginia Regulations	Established to comply with FERPA and the IDEA federal 1999 regulations.
Parental consent not required for observations or classroom evaluations	New in 2001-02 Virginia Regulations	Incorporated USDOE comment on IDEA federal 1999 regulations.
Confidentiality provisions	New in 2001-02 Virginia Regulations	Reinserted to implement the IDEA federal 1999 regulations. Language was in the 1980 Virginia Regulations; deleted in 1990.

8 VAC 20-80-72 Transfer of rights to students who reach the age of majority

Provision	Source of Requirement	Discussion
Transfer rights	COV New in 2001-02 Virginia Regulations	Incorporated COV and IDEA federal 1999 regulations; specified that rights transfer at age 18. §1-13.42
Standard for determining a representative for the student	New in 2001-02 Virginia Regulations	Established standard. IDEA 1999 regulations allowed States to provide a vehicle for an educational representative to be determined without going to court or using a power of attorney.

8 VAC 20-80-76 Due process hearing

The Virginia Regulations mandated the following provisions to fulfill the SEA's responsibility to establish and manage a due process hearing system:

- responsibility of parent, LEA and hearing officer
- authority of the hearing officer
- costs of the hearing
- authority of the VDOE
- managing and monitoring of the hearing system by VDOE

The Virginia Regulations also established provisions to incorporate COV requirements (§22.1-214):

- procedures for requesting due process hearing
- assignment of hearing officer

These provisions were consistent with prior Virginia Regulations.

8 VAC 20-80-78 Complaint procedures

This section is not required by the IDEA statute, but rather, the IDEA federal 1999 regulations. Therefore, no information is required at this time.

8 VAC 20-80-80 Surrogate parent procedures

Provision	Source of Requirement	Discussion
Role of foster parent	New in 2001-02 Virginia Regulations	Established to implement the IDEA federal 1999 regulations option for recognizing foster parents and provide more local flexibility.
Surrogate parents appointment	COV New in 2001-02 Virginia Regulations	Incorporated the COV and IDEA federal 1999 regulations. §16.1-283; 277.01-02

Procedures for identification and recruitment of surrogate parents	Prior Virginia Regulations	Established as part of the SEA's general supervision responsibility.
LEA procedures for the appointment of surrogate parents and the provision of their services	Prior Virginia Regulations	Established as part of the SEA's general supervision responsibility.

8 VAC 20-80-90 Local educational agency administration and governance

Provision	Source of Requirement	Discussion
Requirements for submission of policies and procedures to VDOE for approval	COV Prior Virginia Regulations	Long-standing Virginia requirement, since 1980. COV §22.1-215. Ensured that LEAs conform with IDEA; part of the SEA's general supervision responsibilities.
Local Advisory Committee	Prior Virginia Regulations	Long-standing Virginia requirement, since 1980.
Responsibilities of LAC	Prior Virginia Regulations	Long-standing Virginia requirements, since 1980.
Added person with disabilities to LAC membership	New in 2001-02 Virginia Regulations	Reinserted former Virginia requirement. Required member in 1980 regulations; deleted in 1985.
Regional special education programs	VA Appropriations Act Prior Virginia Regulations	Long-standing Virginia requirement. Regional programs first established in 1984 regulations.

Programs in jails	VA Appropriations Act New in 2001-02 Virginia Regulations	Established to meet IDEA requirements for this student population.
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8 VAC 20-80-100 Eligibility for funding

Provision	Source of Requirement	Discussion
Requirements for VA educational agencies	Prior Virginia regulations	Tailored IDEA federal 1999 regulations to VA terminology and responsibilities.

8 VAC 20-80-110 State funds for local school divisions

Provision	Source of Requirement	Discussion
Requirements associated with ADM, transportation, regional special education, jails, CSA and foster care funding for LEAs	COV VA Appropriations Act CSA Administrative Requirements Prior Virginia Regulations	Ensured VDOE meets general supervision responsibilities under IDEA. §22.1-211

8 VAC 20-80-120 Federal Funds

Provision	Source of Requirement	Discussion
Requirements	Prior Virginia Regulations	Tailored IDEA 1999 federal regulations to VA educational agencies.

8 VAC 20-80-130 Funds to assist with the education of children with disabilities in state-operated programs

Provision	Source of Requirement	Discussion
Requirements	COV VA Appropriations Act Prior Virginia Regulations	Long-standing Virginia requirement. First included in Virginia Regulations in 1980. COV §22.1-7

8 VAC 20-80-140 Funding, withholding, and recovery of funds

Provision	Source of Requirement	Discussion
Requirements	Prior Virginia Regulations	Tailored IDEA federal 1999 regulations to VA educational agencies.

8 VAC 20-80-150 Appeal of administrative decision regarding funding

Provision	Source of Requirement	Discussion
Requirements	Education Division General Administrative Regulations New in 2001-02 Virginia Regulations	SEA was required to create appeal mechanism under the EDGAR provisions.

8 VAC 20-80-152 Use of public and private insurance

Provision	Source of Requirement	Discussion
Requirements	New in 2001-02 Virginia Regulations	Tailored IDEA 1999 regulation requirements to VA educational agencies. Also assured compliance with EDGAR.

8 VAC 20-80-155 Attorneys' fees

Provision	Source of Requirement	Discussion
Requirements	New in 2001-02 Virginia Regulations	Tailored IDEA 1999 regulation requirements to VA educational agencies.

8 VAC 20-80-160 Additional responsibilities of state boards, agencies, and institutions

Provision	Source of Requirement	Discussion
Requirements for State-operated programs	COV Prior Virginia Regulations	Incorporated COV. §§22.1-7; 22.1-340; 22.1-347-8; 22.1-289; 16.1-293. Ensured SEA's general supervision responsibilities under IDEA.
Caseloads	VA Appropriations Act Prior Virginia Regulations	Incorporated Appropriations Act requirements. Ensured SOP compliance with SEA's requirements.

8 VAC 20-80-190 Compliance with §504 of the Rehabilitation Act

Provision	Source of Requirement	Discussion
Compliance requirements	Prior Virginia Regulations	Clarified the obligation of the State-operated programs and the Virginia Schools; to ensure compliance with VDOE's state 504 Plan. First included in regulations in 1990.

Appendix A. Caseload maximums

Provision	Source of Requirement	Discussion
Caseloads	SOQ VA Appropriations Act Prior Virginia Regulations [Special Education Program Standards]	Displayed the caseloads as funded by the SOQ formula in the VA Appropriation Act. Previously included in Special Education Program Standards.